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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,500	05/23/2001	Jamie Ader	21178-12	9371
7590	12/30/2003		EXAMINER	
Jamie Ader 1024 12th Street #1 Santa Monica, CA 90403			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: ~~12/30/2003~~

Re-start 3/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/863,500	ADER, JAMIE
	Examiner DANIEL LASTRA	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 1-25 have been examined. Application 09/863,500 (PERMISSION-BASED MARKETING AND DELIVERY SYSTEM AND METHOD) has a filing date 05/23/2001.

Claim Rejections - 35 USC § 112

2. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite "licensees", and the Applicant did not explain this concept in the claims or in the specification. For purpose of the art rejection, "licensees" is interpreted as a content provider.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Angles et al (U.S. 6,385,592).

As per claim 1, Angles teaches:

A permission-based marketing organization and delivery system, comprising:
a computer network having at least one server (see figure 2);

a plurality of user interface applications allowing at least one user to engage said computer network and said at least one server (see figure 11);

a central database for storing advertising information and end user information, the central database being coupled to said computer network (see figure 11; column 3, lines 10-55; column 8, lines 31-44); and

a plurality of additional database components, said additional database components storing information to be accessed by said central database (see figure 11, items 68, 70, 72; column 13, lines 60-67).

As per claim 2, Angles teaches:

The system of claim 1, wherein the central database includes a directory of content (see column 12, line 63 – column 13, line 6).

As per claim 3, Angles teaches:

The system of claim 2, wherein the central database includes editorial material related to the content (see column 20, lines 10-50).

As per claim 4, Angles teaches:

The system of claim 2, wherein the central database includes promotional material related to the content (see column 15, lines 44-55).

As per claim 5, Angles teaches:

The system of claim 2, wherein the central database includes tracking data related to audience response to the content (see column 3, lines 1-9).

As per claim 6, Angles teaches:

The system of claim 1, wherein the computer network includes at least one computer terminal connected to the at least one server, the at least one computer terminal facilitating the use of the plurality of user interface applications (see figures 2 and 11).

As per claim 7, Angles teaches:

The system of claim 1, further comprising a search engine, said search engine being coupled to said computer network (see column 2, lines 21-45).

As per claim 8, Angles teaches:

The system of claim 1, wherein said plurality of additional database components includes an orders database (see figure 11, item 72; column 16, lines 10-27).

As per claim 9, Angles teaches:

The system of claim 1, wherein an end user is an additional computer network (see figure 11).

As per claim 10, Angles teaches:

A method of integrating licensors and licensees of media and advertisers, the method comprising:

registering content and promotional material with a central database (see column 3, lines 10-67);

identifying common characteristics between content and promotional material (see column 3, lines 43-67);

and

allowing an end user to order content and to specify which promotional material is to be included with content (see column 3, lines 43-67; column 17, lines 15-22).

As per claim 11, Angles teaches:

The method of claim 10, further comprising distributing performance data related to said content to licensors of content and to advertisers (see column 16, lines 10-56).

As per claim 12, Angles teaches:

The method of claim 10, further comprising distributing performance data related to said content to licensees (see column 16, lines 10-56).

As per claim 13, Angles teaches:

The method of claim 11, further comprising matching advertisers with licensors and licensees (see column 3, lines 42-67).

As per claim 14, Angles teaches:

The method of claim 12, further comprising delivering content and advertising to end users (see column 3, lines 42-67).

As per claim 15, Angles teaches:

The method of claim 10, further comprising providing a directory of content, editorial material related to the content, promotional material related to the content, and tracking data related to audience response to the content to the central database (see column 3, lines 1-9; column 15, lines 44-55; column 20, lines 10-50).

As per claim 16, Angles teaches:

The method of claim 10, further comprising providing a computer network including at least one computer terminal connected to at least one server (see figure 11).

As per claim 18, Angles teaches:

The method of claim 10, further comprising providing plurality of additional database components, said plurality of additional database components including an orders database (see figure 11, item 72).

As per claim 19, Angles teaches:

The method of claim 15, further comprising providing a computer terminal connected to the at least one server, the computer terminal allowing a user to interface with said computer network (see figures 2 and 11).

As per claim 20, Angles teaches:

A method of delivering content over a computer network, the method comprising:
identifying common characteristics between content and promotional material (see column 3, lines 10-67);

identifying common characteristics between the content and promotional material and an end user (see column 3, lines 43-67);

allowing the end user to order content and to specify which promotional material is to be included with content (see column 3, lines 43-67); and

delivering content and advertising together in a common product (see column 3, lines 55-67).

As per claim 21, Angles teaches:

The method of claim 20, further comprising accepting registration of content, promotional materials and end users (see column 3, lines 10-67).

As per claim 22, Angles teaches:

The method of claim 20, further providing a computer network including at least one computer terminal connected to at least one server (see figures 2 and 11).

As per claim 23, Angles teaches:

The method of claim 20, further comprising providing a search engine (see column 2, lines 23-45).

As per claim 24, Angles teaches:

The method of claim 20, further comprising further comprising providing plurality of additional database components, said plurality of additional database components including an orders database (see figure 11, item 72).

As per claim 25, Angles teaches:

The method of claim 20, further comprising providing a computer terminal connected to the at least one server, the computer terminal allowing a user to interface with said computer network (see figures 2 and 11).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Burge teaches a system for customizing content and presentation of content for computer user's navigational choices to determine the user's needs and preferences for subsequent computer displays.
- Doubleclick article teaches a new program designed to automatically put a sponsor's Internet ads on sites where they would get the most bang for the buck.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DL .

Daniel Lastra

December 7, 2003

MKey

11/17/03
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